

REMARKS

This amendment is in response to the final Official Action dated January 5, 2009. Claims 1, 10, and 11 have been amended, claims 2, 3 and 6 have been canceled without prejudice or disclaimer, and claim 13 has been added; as such, claims 1 and 4-5, and 7-13 are now pending in this application. Claims 1, 10, 11, and 12 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. In the amendment, claims 1, 10, and 11 have been amended to clarify the features previously recited and to incorporate the key features of claim 6 with some minor additional limitations. Support for the new and amended claims can be found in paragraphs [0111-0115] and [0327-0336] of the specification.

35 USC § 102 Rejections

Claims 1 and 6-12 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Mikawa (US 2007/0097645, hereinafter referred to as "Mikawa '645"). Applicant respectfully traverses this rejection.

Claim 1 recites *[a]n information processing apparatus for managing data that is recorded on a recording medium, the information processing apparatus comprising:*

copying means for copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file;

creating means for creating a second file including the identifier copied by the copying means and label information describing content of the data, further comprising a setting means for setting the label information,

wherein the creating means creates the second file including the identifier copied by the copying means and the label information set by the setting means, and

wherein said label information includes information regarding a representative frame image representing all the frame images of image data included in the recording medium;

recording means for recording the second file created by the creating means in the format on the recording medium, as a file that is different from the first file; and

a comparing means for comparing an identifier included in the second file with an identifier included in the first file recorded onto the recording medium,

wherein the recording means records the second file in the format on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file.

These claimed features are neither disclosed nor suggested by Mikawa '645. Mikawa '645 discloses an apparatus for data recording processing device and for obtaining information data to be written on a first recording medium. It shows the conventional means for identifying and managing information recoded on recording mediums. Specifically, information data and recording medium management information concerning a recording medium are recorded on a recording medium. The recording medium management information includes initializing, creating, and updating time-and-date information of the recording medium. This enables quick retrieval of information associated with individual disks when a disk has been altered. Mikawa '645 allows for a determination of whether the content of the disks has been updated through its specific management information processing of recoding media.

Moreover, Mikawa '645 clearly does not suggest or even disclose "*wherein the recording means records the second file in the format on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file.*" The Office Action alleges that these features can be found in FIG 3. paragraphs 62-70, FIG. 7 paragraphs 86-87 and 96-99. This is wholly inaccurate.

Paragraphs 62-70 of Mikawa '645 discloses a block diagram showing a configuration of a read/write apparatus, to which the Mikawa '645 is applied, and a flow chart showing the operation of copying a disk. These paragraphs disclose a means for instructing the operation unit to copy the

files of disk D1 to disk D2. Upon receipt of the control signal, the write processor deletes all the files of disk D2 and outputs a notification of deletion to the copy management processor. The copy management processor outputs a control signal to read all the information of disk D1, such as the disk management information, the time-date creation of each file, the update of each file, as well as the file list information. After the receipt of the read command, the read processor reads all the files of disk D1 and outputs the file list information back to the copy management processor. At this point, the copy management processor stores the file list information in an internal memory and uses the file list information to copy the file data to disk D1 to disk D2.

Paragraphs 86-87 of Mikawa '645 discloses that once a plurality of files is written on a single disk, pieces of file management information corresponding to the plurality of files are generated. The file management information includes file type, file path, file size, and time and date information, playback time of a motion picture, and a thumbnail representing a frame of the motion picture.

FIG. 7 paragraphs 96-99 discloses a means for comparing all the pieces for the disk management information read from the HDD with the content information and the creation of the TOD information obtained from the disk to detect disk information having the same content identification and creation TOD information as those of the disk from the disk management information read from the HDD. In essence, the content identification and the TOD information comparison determines if the disk is an original disk or a copy disk. In contrast, the recording of the second file of Applicant's claim 1 to an optical medium only occurs when the identifier of the second file is the same as that of the first file.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) as being anticipated by Mikawa '645 be withdrawn.

35 USC § 103 Rejections

Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Hisatomi et al (US 2002/0154898, hereinafter referred to as "Hisatomi '898"). Applicant respectfully traverses this rejection.

Claims 4 and 5 depend from and thus incorporate the features of claims 1 which are neither disclosed nor suggested by Mikawa '645, for the reasons stated above.

Hisatomi '898 does not remedy the deficiencies of Mikawa '645, as the various features recited above are also absent from Hisatomi '898. For example, Applicant's claimed features of *"wherein the recording means records the second file in the format on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file,"* are neither disclosed nor suggested by Hisatomi '898.

Hisatomi '898 discloses a means for recoding or playing back an image and voice by use of a recoding medium. To search for an image on an optical disk, a registration trigger is generated from the user, a pointer indicating the recoding position of a main image (also used as an index image) in the optical disk is processed, a index image data is created in an encoder and data is recorded from the index image buffer into a user file menu on the optical disk. These steps of recording provide a recordable/playable recording medium and a recording/playable apparatus capable of easy searching and editing without creating a menu data. Applicant submits this has nothing to do with the features of claim 1, which relates to creating and recording a first and second file.

The Office action alleges Hisatomi '898 discloses a setting means that selectively sets the representative frame image from representative frame images of respective clips recorded on the recording medium in paragraphs [0063]-[0065] of specification. This is wholly inaccurate. Paragraphs [0063]-[0065] of Hisatomi '898 disclose an area in which computer data and audio video data can be recorded together. The computer data area and the audio/video data area can be

formed of one file or a plurality of files. The video object set is not required to have all of the objects and may be construed by at least one the objects and likewise, the objects are construed by one or a plurality of files. There is no mechanism for creating a first file and second file in the means provided by applicant's claim 1 or a recording means that records the second file only when the identifier of the second file is the same as that of the first file.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine read/write means of Mikawa '645 with the recording and searching means of Hisatomi '898.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Hisatomi '898 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Application No. 10/559,527
Amendment dated March 9, 2009
After Final Office Action of January 5, 2009

Docket No.: SON-3029

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3029 from which the undersigned is authorized to draw.

Dated: March 9, 2009

Respectfully submitted,

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